GENERAL ORDINANCE NO. G-31-91 1 AN ORDINANCE amending Chapter 6 2 of the Fort Wayne Code of Laws. 3 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL 4 OF THE CITY OF FORT WAYNE, INDIANA; 5 SECTION 1. That Chapter 6 of the City of Fort Wayne 6 Code of Laws be amended as follows: 7 SEC. 6-1. Terms Defined. 8 CARRIAGE HORSE - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or 9 leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes 10 of this title. 11 RENTAL HORSE BUSINESS - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for 12 13 the purpose of riding or pulling a horse drawn vehicle. 14 STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained. 15 WORK - a horse is considered to be at work when it is out of its 16 stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it 17 is saddled or in harness. 18 ARTICLE XII. RENTAL HORSES 19 Permits and Administration. SEC. 6-51. 20 It shall constitute a violation of this Article for any person 21 or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations 22 and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate 23 without a valid chauffeur or operator's permit to drive. 24 Licenses shall be issued for a term of one (1) year and shall be renewed annually. 25 An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days 26 27 prior to expiration of the current license. All such applications shall contain the name and address of the owner of 28 the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, 29 color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by 30 Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the 31 new owner or operator shall obtain a new license for such horse 32 within 30 days of the transfer date. The annual fee for a license or renewal shall be twenty-five dollars (\$25.00) for carriage horses and ten dollars (\$10.00) for riding horses, and shall be paid upon submission of an application to the Department of Animal Control.

BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED)

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

- a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.
- c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessable to the horses.
- d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) Stalls: Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all

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times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- c) Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- d) No rental horse shall be at work for more than eight hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.
- e) Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.
- g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
- h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM 9:30 AM and 3:30 PM 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding

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humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

- j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.
 - A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to statement sets out the veterinarian's evaluation of the condition and his/her which work, professional opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.
- Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.
- m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed soley by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

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BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-31-91

AN ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne

Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HORSE - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.

RENTAL HORSE BUSINESS - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five dollars (\$25.00) for carriage horses and ten dollars (\$10.00) for riding horses, and shall be paid upon submission of an application to the Department of Animal Control.

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

- a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessable to the horses.
- d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) Stalls: Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,

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mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- At no time may the combined weight of a horse drawn vehicle and its passengers, including the driver, exceed the weight of the horse. Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.
- Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.
- g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
- h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM 9:30 AM and 3:30 PM 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding

humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

- j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.
- A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to which statement sets out work, the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.
- 1. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.
- m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed soley by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Council Member

APPROVED AS TO FORM

AND LEGALITY

J. Timothy McCaulay, City Attorney

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GENERAL ORDINANCE NO. G-

AN ORDINANCE amending Chapter 6

2	of the Fort Wayne Code of Laws.
3	NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
4	OF THE CITY OF FORT WAYNE, INDIANA;
5	SECTION 1. That Chapter 6 of the City of Fort Wayne
6	Code of Laws be amended as follows:
7	SEC. 6-1. Terms Defined.
8	CARRIAGE HORSE - means any horse or pony which is used by it's
9	owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by it's owner to another for any of the foregoing
10	purposes shall be deemed to be a carriage horse for the purposes of this title.
11	RENTAL HORSE BUSINESS - means a business enterprise which
12 13	operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.
14	STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.
15	WORK - a horse is considered to be at work when it is out of its
16	stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it
17	is saddled or in harness.
18	ARTICLE XII. RENTAL HORSES
19	SEC. 6-51. Permits and Administration.
20	It shall constitute a violation of this Article for any person
21	or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations
22 23	and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.
24	Licenses shall be issued for a term of one (1) year and shall be renewed annually.
25	An application for a license or renewal of a license shall be
26	made to the Department of Animal Control . Applications for renewal must be submitted no later than ten (10) working days
27	prior to expiration of the current license. All such applications shall contain the name and address of the owner of
28	the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex,
29	color, marks and tatoo number which shall be applied to the horse's inside upper lip, and the location of the stables where
30	the horse is to be kept. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new
31	owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30
32	days of the transfer date.
	The annual fee for a license or renewal shall be twenty-five dollars (\$25.00), and shall be paid upon submission of an application to the Department of Animal Control. A colory have would be because to the paid

Each horse licensed for use pursuant to these regulations shall

be assigned an official identification number unique to that horse during the duration of its use by the rental horse business. The official indentification number shall be identical to the tatoo number set out above. Such identification number shall also be inscribed on a metal tag which shall be securely attached to the right cheek strap of each rental horse at all times when the horse is at work.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

- a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of an approved material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse in the owners absence.
- b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free.
- d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) Stalls: Minimum stall size shall measure 10 ft. by 12 ft. with a 9 ft. ceiling. Each stall shall house only one horse or pony. Stalls shall be "picked" daily. Stalls shall be kept clean and dry with sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them in a clean, dry condition.

SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all

times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- No horse drawn carriage pulled by a single horse shall carry greater than seven (3) passengers, including driver. A maximum of fourteen (16) passengers, with driver, may ride in a carriage pulled by two (2) horses. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) consecutive minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. Rental horses may work six (6) consecutive days. No work shall be performed on the seventh (7th) day.
- Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied, or above 95 degrees fahrenheit, with heat index factor applied. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperature goes below -10 degrees or above 95 degrees fahrenheit shall immediately cease working, then walk the horse directly to its stable. All horses so returned to stables must be unbridled and remain at the stable for at lease one (1) hour. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
 - Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions. A horse being worked when such conditions develop shall be returned to the stable by the most direct route as soon as practicable.
- g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
- h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM 9:30 AM and 3:30 PM 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hoofs, and shoes, and

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for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. A health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

- The rental horse business shall take immediate action to obtain veterinary treatment, care and attention, and inform the Department of Animal Control when any horse is or becomes sick, diseased, lame or injured, or is involved in an accident while at work or in the stable area. If a horse dies while at work or in the stable area the Department of Animal Control shall be notified immediately. If an accident occurs resulting in injury to a horse while at work or in the stable area, the Department of Animal Control shall be notified immediately.
- A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.
- Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.
- m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

		PAGE 5
1		SECTION 2. All ordinances or parts of ordinances
2		in conflict herewith are hereby repealed.
3		The invalidity of any section, clause, sentence, or
4		provision of this ordinance shall not affect the validity of any
5		other part of this ordinance.
6	• •	SECTION 3. That this Ordinance be in full force and
7	:	effect from and after its passage and any and all necessary
8		approval by the Mayor and all necessary publication.
9		
10		Council Member
11		APPROVED AS TO FORM AND LEGALITY
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13		J. Timothy McCaulay, City Attorney
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GENERAL ORDINANCE NO. G-1 AN ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws. 2 3 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL 4 OF THE CITY OF FORT WAYNE, INDIANA; 5 SECTION 1. That Chapter 6 of the City of Fort Wayne 6 Code of Laws be amended as follows: 7 SEC. 6-1. Terms Defined. CARRIAGE HORSE - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or 8 9 leased by it's owner to another for any of the foregoing 10 purposes shall be deemed to be a carriage horse for the purposes of this title. 11 RENTAL HORSE BUSINESS - means a business enterprise which 12 operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for 13 the purpose of riding or pulling a horse drawn vehicle. 14 STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained. 15 WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness. 16 17 18 ARTICLE XII. RENTAL HORSES 19 SEC. 6-51. Permits and Administration. 20 It shall constitute a violation of this Article for any person 21 or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations 22 and conditions set out hereinafter. 23 Licenses shall be issued for a term of one (1) year and shall be renewed annually. 24 An application for a license or renewal of a license shall be 25 made to the Department of Animal Control . Applications for renewal must be submitted no later than ten (10) working days 26 prior to expiration of the current license. All such applications shall contain the name and address of the owner of 27 the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, 28 color, marks and tatoo number which shall be applied to the horse's inside upper lip, and the location of the stables where the horse is to be kept. No license shall be transferable. 29 Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date. 30

32 The annual fee for a license or renewal shall be twenty-five dollars (\$25.00), and shall be paid upon submission of an application to the Department of Animal Control.

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Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse

business. The official indentification number shall be identical to the tatoo number set out above. Such identification number shall also be inscribed on a metal tag which shall be securely attached to the right cheek strap of each rental horse at all times when the horse is at work.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

- a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of an approved material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse in the owners absence.
- b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free.
- d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) Stalls: Minimum stall size shall measure 10 ft. by 12 ft. with a 9 ft. ceiling. Each stall shall house only one horse or pony. Stalls shall be "picked" daily. Stalls shall be kept clean and dry with sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them in a clean, dry condition.

SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,

mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- C) No horse drawn carriage pulled by a single horse shall carry greater than seven (7) passengers, including driver. A maximum of fourteen (14) passengers, with driver, may ride in a carriage pulled by two (2) horses. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
 - d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) consecutive minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. Rental horses may work six (6) consecutive days. No work shall be performed on the seventh (7th) day.
 - e) Rental horses shall not be worked in temperatures below 18 degrees fahrenheit or above 90 degrees fahrenheit. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperature goes below 18 degrees or above 90 degrees fahrenheit shall immediately cease working, then walk the horse directly to its stable. All horses so returned to stables must be unbridled and remain at the stable for at lease one (1) hour. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
 - f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions. A horse being worked when such conditions develop shall be returned to the stable by the most direct route as soon as practicable.
 - g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
 - h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM 9:30 AM and 3:30 PM 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hoofs, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by

the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. A health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

- j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention, and inform the Department of Animal Control when any horse is or becomes sick, diseased, lame or injured, or is involved in an accident while at work or in the stable area. If a horse dies while at work or in the stable area the Department of Animal Control shall be notified immediately. If an accident occurs resulting in injury to a horse while at work or in the stable area, the Department of Animal Control shall be notified immediately.
- k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.
- 1. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.
- m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or

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provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 3. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Council Member

APPROVED AS TO FORM

AND LEGALITY

J. Timothy McCaulay, City Attorney

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE
DEPARTMENT REQUESTING ORDINANCE ANIMAL CONTROL
SYNOPSIS OF ORDINANCE ESTABLISHES SET OF RULES AND PERMITTING
GUIDELINES COVERING CARRIAGE COMPANIES AND RIDING STABLES.
1)-91-11-55
(as mended) (as imended)
(as amended).
EFFECT OF PASSAGE ABILITY TO MONITOR RENTAL HORSE BUSINESSES UNDER CITY CODE WITH ENFORCEMENT POWERS.
EFFECT OF NON-PASSAGE NO CITY REGULATION AVAILABLE TO ADEQUATELY
MONITOR RENTAL HORSE BUSINESS.
MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)
ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO.___ G-91-11-55

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN DAVID C. LONG, VICE CHAIRMAN EDMONDS, SCHMIDT, BRADBURY

			TO WHOM
REFERRED AN (ORD) -the Fort Wayr	INANCE) (REX	SCHXMXIONN amend	ding Chapter 6
		▼	
	RDINANCE) (I REPORT BACK TO RESOLUTION)	RESOLUTION) UNDE D THE COMMON COUN	R CONSIDERATION
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THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

January 7, 1992

Ms. Connie Lambert Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of January 10 and January 17, 1992, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-91-11-55

(as amended) (as amended)

General Ordinance No. G-31-91

Rental Horse Business - Carriage Horse

Please send 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours, Leunedy

Sandra E. Kennedy

City Clerk

SEK/ne ENCL: 1

LEGAL NOTICE

N	Notice is hereby given that on the 26th day of
-	December , 19 91 , the Common Council of the City
	the following Bill No. G-91-11-55 (as amended) (as amended) (as amended)
General C	ordinance No. G-31-91 to-wit:
	BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED) (AS AMENDED)
1	GENERAL ORDINANCE NO. G-31-91
2	AN ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws.
	NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
4	OF THE CITY OF FORT WAYNE, INDIANA;
5	SECTION 1. That Chapter 6 of the City of Fort Wayne
6	Code of Laws be amended as follows:
7	SEC. 6-1. Terms Defined.
8	CARRIAGE HORSE - means any horse or pony which is used by it's
9	owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or
10	leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes
11	of this title.
12	RENTAL HORSE BUSINESS - means a business enterprise which
13	operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.
14 15	STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.
16 17 18	WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.
19	ARTICLE XII. RENTAL HORSES
20	SEC. 6-51. Permits and Administration.
21	It shall constitute a violation of this Article for any person
22	Business without a license issued pursuant to the regulations
23	rental horse business shall permit a carriage driver to operator
24	without a valid chauffeur or operator's permit to drive.
25	Licenses shall be issued for a term of one (1) year and shall be renewed annually.
26	An application for a license or renewal of a license shall be
27	renewal must be submitted no later than ten (10) working days
28	applications shall contain the name and address of the owner of
29	the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex,
30	COLOR, markings, and the location of the stables where the horse
	is to be kept, recorded on a veterinary certificate provided by Fort Wayne Department of Animal Control. No license shall be
31 32	transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The invalidity of any section, clause, sentence, or 1 provision of this ordinance shall not affect the validity of any 2 other part of this ordinance. 3

> SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

> > C. Henry Council Member Thomas C

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six

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Bradbury, Edmonds, Henry, Long, Redd, Schmidt, Talarico

Three

Burns, GiaQuinta, Schmidt

ABSTAINED: None ABSENT: None

DATED: 12-26-91

Sandra E. Kennedy City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-91, on the 26th day of December, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy City Clerk

SEAL

Samuel J. Talarico Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 27th day of December, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

> Sandra E. Kennedy City Clerk

Approved and signed by me this 6th day of January, 1992, at the hour of 9:45 o'clock A.M., E.S.T.

> Paul Helmke Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General Ordinance No. G-31-91
passed by the Common Council on the 26th day of
December , 19 91 , and that said Ordinance was
duly signed and approved by the Mayor on the 6th day of
January , 19 92 , and now remains on file and
on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 6th day of January , 19 92

Jandra F. Lennedy

amendente

BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED) (Or Lineally)

GENERAL ORDINANCE NO. G-21-9

2 AN ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne

Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HORSE - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.

RENTAL HORSE BUSINESS - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veter nary certificate provided by Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five dollars (\$25.00) for carriage horses and ten dollars (\$10.00) for riding horses, and shall be paid upon submission of an application to the Department of Animal Control.

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

- a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) / Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessable to the horses.
- d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) Stalls: Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,

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mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work. 2 c) whit no time may the combined weight of a horse drawn vehicle 3 and its passengers, including the driver, exced the weight of the horse. Certified weights of all horses and horse 4 drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be turther restricted in regard to pulling/riding capacity, based on individual characteristics and abilities. amendment # 2 Tom No rental horse shall be at work for more than eight hours in any continuous twenty four hour period. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. 9 10 11 David Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the rort wayne communications becartment for the National Weather Service. An operator of rental horse already at work at the time the temperatures reach the above described conditions shall 12 13 14 15 16 temperatures reach the above described conditions shall return the passengers to the point of loading and rest the 17 horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach 18 Character of acceptable limits. Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall 19 f) 20 21 not be restricted to snow, ice, heavy rain or other slippery conditions. 22 g) Carriage companies shall equip all carriages/horses with a 23 manure catching device for use at all times while working. 24 h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn 25 carriage shall be operated between the hours of 7:00 AM -26 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus 27 mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort 28 Wayne except to cross those streets at intersections controlled by an automatic signal. 29 i) Every horse whose use requires a license hereunder shall be 30 examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less 31 than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition 32 shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding

humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

- j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.
- k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to which statement sets out the veterinarian's work, professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.
- 1. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.
- m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed soley by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

 following Bill No.
amended) (Seneral Counterpart (Counterpart) (as amended) (General Counterpart) (General Cou NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;
SECTION 1. That Chapter 6 of the City of Fort Wayne Code of Laws be amended as follows:
SEC. 6-1. Terms Defined.
CARRIAGE HOUSE - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.
HENTAL HORSE BUSINESS - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.
WORK - a horse is considered to be all work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

ARTICLE XII. RENTAL HORSES
SEC. 6-5.1. Permits and Administration.
It shall consititute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year General Form No. 99P (Revised 1987) The Journal-Gazette P.O. Box 100 Fort Wayne, IN h shall total sement is set)

presumed forty-eight (48) hour recovery period, and provided to the Department of Animal Control upon request.

1) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m) Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

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Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be purished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed soley by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Thomas C. Henry Council Member

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on Its passage. PASSED by the following vote:

AYES: Six
Bradburg, Ed.

Bradbury, Edmonds, Henry, Long, Redd, Schmidt,

Sandra E. Kennedy
City Clerk
City of Fort Wayne, Indiana, as General Ordinance No.
ATTEST:
Sandra E. Kennedy
City Clerk

City Clerk

Samuel J. Talarico
Presiding Officer
Presented by me to the Mayor of the City of Fort
Wayne, Indiana on the 27th day of December, 1991, at
the hour of 1:30 o'clock P.M., E.S.T.
Sandra E. Kennedy
City Clerk
Approved and signed by me this 6th day of January,
1992, at the hour of 9:45 o'clock A.M., E.S.T.
Paul Helmke
Mayor

The Clerk of the City of Fort Wayne, Indiana do

1992, at the hour of step of Mayor I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-31-91, passed by the Common Council on the 26th day of December, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of January, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of January, 1992.

Sandra E. Kennedy City Clerk

notary public in and for said county and state, the nwater who, being duly sworn, says that he/

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Subscribed and sworn to before me this _

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business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five dollars (\$25.00) for riding horses, and shall be paid upon submission of an application to the Department of Animal Control.

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental

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My commission expires:

March 3, 1994

Notary Public Whitle SHELLEY R. LARUE Whitley County, IN

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recommendation regarding humane correction disposition of the same. An Indiana health certific containing the above information and the above inform	or ate	
examining veterinarian shall be maintained at stable premises at which such horse is located, a shall contain the identity of the stable of th	the ; the and	
its use in a rental horse business, and thereafte intervals of not less than once a year. The horse sha examined and treated for internal parasites. Its gen physical condition shall be evaluated, which exam tion shall include but not be limited to, inspection teeth, hooves, and shoes, and for its physical ability perform the work or duties required of it. examination shall also include a record of any injudicians, and the time, together with any prescription or profession recommendation regarding humane correction disposition of the same. An Indiana health certification containing the above information and signed by examining veterinarian shall be maintained at stable premises at which such horse is located, a shall contain the identification number, age a condition to the horse.	imns wide equals 315 equ	ivalent lines
condition of the horse. i) The rental horse business shall take immedia action to obtain veterinary treatment, care a action to obtain veterinary treatment, care a attention when any horse is or becomes sick, disease lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in injury to a horse, the Department of Animal Control injury to a horse, the Department of Animal Control injury to a horse overed by this subchapter which is becomes lame or suffers from a physicial condition illness making it unsuitable for work shall be removed from work by the rental horse business or may to ordered removed from work by the Department may confirm that a rental horse business or may to require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or any such physical condition or illness, the Department may require that a rental horse business or may to condition the physical condition or illness.	nd ed,	\$\$
A stable area, or is involved in an accident resulting in injury to a horse, the Department of Animal Control by shall be notified immediately.	ontaining rule or tabular work	
k) A horse covered by this subchapter which is becomes lame or suffers from a physical condition illness making it unsitable for	or or	-
from work by the rental horse business or may to ordered removed from work by the Department	of lication (\$1.00 for each proof in ex	2.00
p1 such physical condition or illness, the Department mare require that a rental horse be examined by	y	
di werk as a rental horse. The cost of any suc examination shall be borne solely by the restal borne.	VI	\$
If has recovered from the		
improved sufficiently that its return to work will no	d I'	
pregimed if a base included of this section shall be	9	
its removal from work for the same condition which		
reputted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work but prior to	a f	
caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time or removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that is was suitable for the horse to return to work prior to the	d penalties of Chapter 155, Acts 19	253
evaluation of the condition and his/her opinion that is was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animat Control upon request.	d penalties of Chapter 100, Acts 1.	900,
provided to the Department of Animat Control upon request.	going account is just and correct, allowing all just credits, and tha	that the amount
I) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair. m) Horses shall be kept clean white at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (fit) weeks or score if	and thing an just broadles, and the	1 Male and John
		indig Sillate.
necessary. SEC. 6-54. Penalties Any person or corporation which violetce the	_, 1992 Title:	Clerk
provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.		
herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed soley by the licensing provisions of this article, SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.	PUBLISHER'S A	FFIDAVIT
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.		
The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.	State of Indiana)	
SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary	Allen County)	
publication. Thomas C. Henry Council Member		
Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED by the following vote:	Personally appeared before me, Cindy Gill	a notary public in and for said county and state, the
Bradbury, Edmonds, Henry, Long, Redd, Schmidt, Talarico	undersigned	who, being duly sworn, says that he/
NAYS: Three Burns, GiaQuinta, Schmidt ABSTAINED: None		The News-Sentinel newspaper of general
ABSENT: None DATED: 12-26-91	Dank Warms IN	ed in the English language in the (city) (town) of
Sandra E. Kennedy City Clerk Passed and adopted by the Common Council of the		and county aforesaid, and that the printed matter y, which was duly published in said paper for
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-91, on the 26th day of December, 1991.	two time, the	dates of publication being as follows:
Sandra E. Kennedy City Clerk Samuel J. Talarico	1/10/92 1/17/92	dates of publication being as follows:
Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 27th day of December, 1991, at the hour of 1:30 o'clock P.M., E.S.T.	7. 1	100
Sandra E. Kennedy	Cendy X	welmutales
Approved and signed by me this 6th day of January, 1992, at the hour of 9:45 o'clock A.M., E.S.T.	Subscribed and sworn to before m	e thisday of 92
Paul Heimke Mayor 1, The Clerk of the City of Fort Wayne, Indiana do	~ ~~~~~ whe broth to before III	
In the clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-S1-91, passed by the Common Council on the 26th day of December, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of January, 1992, and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of January, 1992.	-	Shelly Jolline
day of December, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of January, 1992, and now remains on file and on	3.61	Notary Public Whitley County, IN SHELLEY R. LARUE
record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of January, 1992.	My commission expires: March	0, 1774
Sandra E. Kennedy City Clerk		

FW COMMON COUNCIL	rd of Accounts		General Fo The News-Sentine	rm No. 99P (Revised 19
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